

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT GONZALES,

Plaintiff,

No. CIV S-04-1064 FCD CMK P

vs.

S. PALAGUMMI,

Defendant.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On May 10, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within ten days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 10, 2005, are adopted in full;
2. Plaintiff's April 11, 2005 motion for judgment is denied;
3. Defendants' March 25, 2005 motion to dismiss is granted and;
4. Plaintiff's complaint is dismissed without prejudice for failure to exhaust

administrative remedies.

DATED: June 16, 2005

/s/ Frank C. Damrell Jr.  
FRANK C. DAMRELL JR.  
United States District Judge

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